

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. PEREZ,
Plaintiff,

v.

SEAFOOD PEDDLER OF SAN RAFAEL,
INC., et al.,
Defendants.

Case No. [12-cv-00116-WHO](#)

**ORDER ON MOTION FOR
SANCTIONS AND TO CONTINUE
TRIAL**

Re: Dkt. No. 421

Defendants have filed a motion for sanctions and seek to continue the trial arguing that witness statements produced by the Secretary today (August 22, 2014) pursuant to this Court's August 21, 2014 Order (Docket No. 410) should have been produced in October 2013. Defendants contend that the contents of the newly produced statements are so materially different from the confidential witness statements produced in October 2013 ("October 2013 statements") that defendants' due process rights have been compromised and that a trial continuance is necessary so that defendants can re-depose the witnesses using the newly produced statements. Docket No. 421.

The Court will hold a hearing on defendants' motion **Monday, August 25, 2014 at 8:00 a.m.**

The Secretary shall file its opposition to defendants' motion on or before **Sunday August 24, 2014 at 4:00 p.m.** The opposition should be e-filed UNDER SEAL if it discusses the contents of the confidential witness statements.

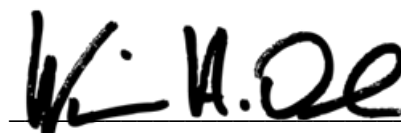
Defendants shall file a supplemental brief and declaration on or before **Sunday August 24, 2014 at 4:00 p.m.** The supplemental brief and declaration should be e-filed UNDER SEAL. The supplemental brief and declaration must identify each specific witness statement (from the newly produced statements) that the defendants contend is *materially* different from information

disclosed in the October 2013 statements. For each specific statement identified, defendants shall also attach the relevant witness' October 2013 confidential witness statement, so that the Court can determine the materiality of the newly produced information for itself. Defendants are advised that only seven witness statements were produced because the Court's order was to produce statements by witnesses that the Secretary will call at trial.

Counsel shall be prepared to proceed with jury selection and trial at 8:30 a.m. on Monday August 25, 2014 as previously ordered.

IT IS SO ORDERED.

Dated: August 22, 2014

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

WILLIAM H. ORRICK
United States District Judge